



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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MEETING MINUTES:	BOARD OF CHARITABLE GAMING
MEETING DATE AND TIME:	Thursday, January 3, 2013 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
APPROVED:	February 7, 2013

MEMBERS PRESENT

Scott Angelucci, Chairman, Public Member
Sharon McDowell, Vice Chair, Public Member
James Greene, DE Volunteer Fireman's Association Member
Janet Williams-Coger, Non-Profit Member
Tim Winstead, State Lottery Office Member

MEMBERS ABSENT

None

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Robert Willard, Deputy Attorney General
Amanda McAtee, Administrative Specialist II
Jean Betley, Lead Investigator
Elaine O'Neill, Gaming Inspector, via conference call
Toni Scarantino, Gaming Inspector, via conference call

PUBLIC PRESENT

Jack Vogel, Harrington Fire Company

CALL TO ORDER

Mr. Angelucci called the meeting to order at 1:01 p.m.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the meeting minutes of December 6, 2012. Ms. Williams-Coger made a motion, seconded by Mr. Winstead, to approve the minutes as presented. The motion carried unanimously.

Mr. Angelucci made a motion, seconded by Ms. Williams-Coger, to amend the agenda to add the New Castle Moose 1578 under Raffle Applications, item 4.8.3. The motion carried unanimously.

UNFINISHED BUSINESS

FINAL DENIALS – NONE

Re-Review of Contingent Approvals and PTD Applications – None

Re-Review of Available Workshop Dates for the Proposed Gaming Seminar

Ms. McAtee explained that at the last meeting the Board decided that the workshop would be held at 6 p.m. on March 14, 2013 and at 10 a.m. on March 28, 2013. These dates and times are tentative and would be held based on a positive response from the public. Ms. Williams-Coger made motion, seconded by Ms. McDowell to approve the tentative seminar dates for March 14, 2013 at 6 p.m. and March 28, 2013 at 10 a.m. The motion carried unanimously.

Review of the Act to Amend Title 28 of the Delaware Code Relating to Charitable Gaming

Mr. Willard stated that the underlined language was new in section 1523 of the Statute. This new language would allow the Board to impose a fine to organizations that held charitable gaming activities without a permit. Section 1525 of the Statute included new language that would allow the Board to set the maximum prize amount for Bingo games in their Rules and Regulations. Changes to sections 1523 and 1525 were the only two recommended changes to the Statute.

Order to Amend 10 Del. Admin. Code 101, Rule 4.6

The Board signed the order to amend 10 Del. Admin. Code 101, Rule 4.6.

Proposed Amendment to Rule 4.11 in 10 DE Admin. Code 101 – Public Hearing Scheduled for February 7, 2013

Mr. Willard read the proposed amendment to Rule 4.11 in 10 DE Admin, Code 101. Rule 4.11 was proposed to state “when more than one player is found to be the winner the designated prize, if monetary, shall be divided as equally as possible. When a prize is not monetary, a single winner may be determined in accordance with the organization's own house rules. The other players who qualified to win the game may be given a chance in a drawing to be held later during the same event with the winner of that drawing receiving the prize offered in that drawing. The value of the prize in the subsequent drawing shall be counted towards the maximum allowable prizes of the event.” Mr. Angelucci reviewed background information concerning the Rule 4.11 amendment decision for Mr. Winstead who was not present at the December meeting.

Toni Scarantino stated that there were other ways to settle a tie other than a drawing as stated in the Rule amendment. Ms. Scarantino stated that organizations have created loser prizes for these situations and that each organization had a different way to settle a tie game. Some organizations used “loser” brackets where the players received extra game boards and only “losers” were eligible to play. Mr. Willard stated that he could amend the language to state “game” instead of “drawing.” The current amendment used the word “drawing” in the language and was already published in the January 2013 Delaware Register of Regulations. The amendment to Rule 4.11 already published would have to be cancelled and the new version would be published in the February 2013 Delaware Register of Regulations. The hearing would be scheduled for March 7, 2013 because there was not enough time to revise the language since the January 2013 Delaware Register of Regulations had already been published.

Mr. Angelucci made a motion, seconded by Ms. Williams-Coger, to amend the language to the amendment of Rule 4.11, to change the word “drawing” to “game.” The motion carried unanimously.

Ms. McAtee stated that she would cancel the public hearing for Rule 4.11 that was scheduled for February 7, 2013. Mr. Willard stated that the changes to Rule 4.11 would be published in the February 2013 Delaware Register of Regulations and the hearing would be scheduled for March 7, 2013.

Continued Discussion on Rule 3.10 Regarding Bingo Prizes (Value vs. Cost Wording in Rule 3.10)

Mr. Willard reviewed the Statute and stated that there was nothing present that would affect changing Rule 3.10 in the Rules and Regulations. Mr. Angelucci stated the fair way to amend the Rule 3.10 would be to have organizations verify how much they paid for prize items with receipts in order to validate the amounts stated on prize lists. If the item was completely donated then the donor should provide proof of the full retail value of the prize, and that value would then be used by the organization as the value of the prize. Ms. Williams-Coger

supported Mr. Angelucci's recommendation. Ms. Scarantino and Ms. O'Neill stated that they would support the Board's recommended changes to Rule 3.10 and they just wanted clarity on what to enforce.

Mr. Angelucci stated that it would not be fair to use the wholesale value of an item. Mr. Willard stated that if an item was donated the organization should declare the retail value not wholesale value and provide a document to prove that.

After continued discussion, Mr. Angelucci made a motion, seconded by Ms. Williams-Coger, to pass an amendment to Rule 3.10 to allow organizations to use actual retail values for prizes, provided that they have receipts for those prizes. In the event the prizes were donated, the retail value would have to be established by the donor, providing proof of the retail value. The motion carried unanimously.

NEW BUSINESS

Executive Session

Mr. Angelucci made a motion, seconded by Mr. Greene to go into executive session at 2:05 p.m. The Board returned from executive session at 2:10 p.m.

Board Member Reports

Mr. Greene made a motion, seconded by Ms. Williams-Coger, to close complaint 22-05-11. The motion carried unanimously.

Delegation of Authority - None

Review of Applications for Texas Hold'Em Tournaments – None

Review of Applications for Charitable Gaming Events – None

Review of Applications for Instant Bingo Events – None

Review of Applications for Bingo Events – None

Review of Applications for Raffles

Nur Shrine

Light up the Queen

New Castle Moose #1578

Mr. Angelucci reviewed and summarized the Raffle applications of the Nur Shrine, Light up the Queen, and the New Castle Moose #1578. After discussion, Ms. Williams-Coger made a motion, seconded by Mr. Winstead, to approve the Raffle applications. The motion carried unanimously.

Review of Requests to Amend Previously Approved Event – None

Inclement Weather/State of Emergency Requests – None

Approval of Licensure List – None

Ratification of Charitable Gaming Event Permits Issued

Ms. McDowell read aloud the Charitable Gaming ratification list. Ms. Williams-Coger made a motion, seconded by Mr. Greene to ratify the Charitable Gaming licensure of the Seaford Lions Club, Friends for Rescue and Pet Care Inc., Georgetown Ellendale VFW 2931, Rehoboth Cooperative Preschool. The motion carried unanimously.

Ratification of Bingo Event Permits Issued

Ms. Williams-Coger read aloud the Bingo ratification list. Mr. Greene made a motion, seconded by Ms. Williams-Coger, to ratify the Bingo licensure of the Sgt. William Lloyd Nelson VFW Post 3792, Dover Elks Lodge #1903, Harrington Fire Company, Newark Elks Lodge #2281, Cape Henlopen Elks Lodge #2540, Camden Wyoming Moose Lodge #203, and Bowers Fire Company. The motion carried unanimously.

Hearings/Consent Agreements

Complaint 22-02-11 - MERR Institute Status of Compliance with Consent Agreement

Ms. McAtee stated that she would be mailing a letter to the MERR Institute as discussed from the December meeting.

Complaint Assignments and Updates

Complaint 22-09-12 (Winstead) Forwarded to Attorney General's Office

Complaint 22-12-12 New Complaint assigned to Mr. Greene

Mr. Angelucci stated the complaint statuses as listed above.

Inspection Reports

St. Elizabeth Ann Seton (Raffle)

Newark Elks Lodge #2281 (Bingo)

SODAT-Delaware, Inc. (Raffle)

Mr. Angelucci stated that St. Elizabeth Ann Seton, Newark Elks Lodge #2281, and SODAT-Delaware, Inc. were recently inspected. There was no discussion.

Responses to Inspection Letters of Concern/Warning – None

CORRESPONDENCE – None

PUBLIC COMMENT

Mr. Jack Vogel, Harrington Fire Company, asked the Board how the prize receipts would work with the Rule 3.10 amendment. Mr. Angelucci stated that the organizations would have the receipts on hand for the Gaming Inspectors.

NEXT MEETING

The next scheduled Board meeting is February 7, 2013 at 1:00 p.m., at 861 Silver Lake Boulevard, Cannon Building Conference Room B, Dover, Delaware.

ADJOURNMENT

There being no further business before the Board, Mr. Angelucci made a motion, seconded by Mr. Winstead, to adjourn the meeting at 2:29 p.m. The motion carried unanimously.

Respectfully Submitted,



Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.